



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 8, 1998

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-1182

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115064.

The City of Houston Police Department (the "department") received a request for a videotape of the requestor's arrest on September 14, 1997 and information on the jailers and police officers who were involved in the arrest. You claim that the requested information is excepted from disclosure pursuant to sections 552.101 and 552.108 of the Government Code. We have considered your arguments and have reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Chapter 143 of the Local Government Code sets forth civil service rules for municipal fire and police departments. Subchapter G of that chapter sets forth provisions applicable to municipalities with a population of 1.5 million or more, including the City of Houston. Section 143.1214(b) of the Local Government Code requires the department to withhold from disclosure "an investigatory document that relates to a disciplinary action against a . . . police officer that was overturned on appeal" and "any document in the possession of the department that relates to a charge of misconduct against a . . . police officer that the department did not sustain." You state that the requested information is part of an internal affairs investigation of the requestor's arrest. You also inform us that the internal affairs investigation is in progress. Because the investigation has not been completed and the requestor's allegations have not been sustained at this point, the department must withhold

the requested information from disclosure under section 552.101 in conjunction with section 143.1214(b) of the Local Government Code.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 115064

Enclosures: Submitted documents and videotapes

cc: Mr. Oscar Treviño
518 Broadway
Houston, Texas 77012
(w/o enclosures)

¹As we have resolved this matter under section 552.101, we need not address your section 552.108 claim.